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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,584	07/06/2001	Takehiko Nakano	SONYJP 3.0-187	4124
7590	07/28/2005		EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090-1497			ALOMARI, FIRAS B	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/900,584	NAKANŌ, TAKEHIKO	
	Examiner Firas Alomari	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 May 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-6 and 8-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-6 and 8-13 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Amendment

1. The applicant amended claims 1-6 and 8-11 in the response filed on 05-11-2005. claim 7 has been cancelled, claims 12 and 13 have been added in the amendment.

Response to Arguments

2. Applicant's arguments with respect to claims 1-6 and 8-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshiura et al. US (6,131,162) in view of Iida US (6,209,787).

As per claim 1,4-5, and 9-11: Yoshiura discloses

An information processing apparatus for carrying out secure transmission of content to another apparatus via a network, said information processing apparatus comprising:

- An encryption unit operable to encrypt the content; (*item 115 of FIG. 2 and Col 12, lines 7-8*)
- An authentication unit operable to receive authentication information from the another apparatus when the another apparatus requests permission to receive the encrypted content, and to determine whether the authentication information is valid; (*items 114 and 122 of FIG. 2 and Col 12, lines 4-7*)
- A first obtaining unit operable to obtain identification information of the another apparatus from the authentication information when the authentication information is valid (*Col 14, lines 26-34*) and to determine whether the identification information of the another apparatus is already stored in a storage unit; (*Col 14, lines 12-25 / the verification information extracted from the content is compared to the verification information stored on the storage unit*)
- A transmitting unit operable to transmit a decryption key to the another apparatus when the authentication information is valid (*Col 13 , lines 8-13; Col 16, lines 37-52 and Col 18, lines 28-34*), the decryption key being needed to decrypt the encrypted content (*Col 13, lines 29-36*); and
- A first counting unit operable to increment a count of a total number of apparatuses to receive the encrypted content by one when the

identification information of the another apparatus is not already stored in said storage unit and the count of total number of apparatuses is less than a maximum value; Yoshiura et al. do not explicitly explain a counting unit to increment the total number of apparatuses to receive the content in the system. However Iida teaches the using of a counting unit (column 47, lines 53-64) to count the number of times for which the musical composition is used (Column 52, lines 58-68) if the requester information is verified (Col 48, lines 2-13) and in accordance with the usage rights attached to the content (Col 48, lines 44-51). Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yoshiura with the teaching of Iida to count the total number of units desiring to receive any specific content if the identification information is not stored or it's less than the maximum value. One would be motivated to do so in order to keep track of user access to specific content for accounting purposes and additionally limiting access if the content is being used more than its allowed in the usage rights.

- Said storage unit being operable to store the identification information of the another apparatus when the identification information of the another apparatus is not already stored in said storage unit; (*Col 12, lines 9-10 & Col 13, lines 8-13*)

As per claim 2: Yoshiura discloses an information processing apparatus according to Claim 1, wherein the another apparatus is operable to transmit the

encrypted content to a plurality of further apparatuses over the network, and said information processing apparatus further comprises:

- A second obtaining unit operable to obtain a first value and a second value from the another apparatus when the authentication information is valid (Col 19, lines 56-63 & Col 20, lines 34-40), the first value being a number of apparatuses in the plurality of further apparatuses that are newly requesting to receive the encrypted content (Col 22, lines 30-38), and the second value being the total number of apparatuses in the plurality of further apparatuses. (Col 19, lines 23-33)
- (Col 15, lines 39-42 / multiple providers and right holders system)
- A second counting unit operable to increment the count of the total number of apparatuses to receive the encrypted content by the first value when (i) the sum of the first value and the count of the total number of apparatuses is at most equal to the maximum value and (ii) the identification information of the another apparatus is already stored in said storage unit; Yoshiura et al. do not explicitly explain a counting unit in the system. However Iida teaches the using of a counting unit (column 47, lines 53-64) to count the number of times for which the musical composition is used (Column 52, lines 58-68) and to increment the counter or the value of usage every time a musical composition is used or downloaded (Col 48, lines 2-13). Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to

modify the system of Yoshiura with the teaching of lida to count the total number of units desiring to receive any specific content. One would be motivated to do so in order to keep track of user access to specific content for accounting and billing purposes.

- Said counting unit being operable to increment the count of the total number of apparatuses to receive the encrypted content by the second value when (i) the sum of the second value and the count of the total number of apparatuses is at most equal to the maximum value (ii) the identification information of the another apparatus is not already stored in said storage unit. Yoshiura et al. do not explicitly explain a counting unit to increment the total number of apparatuses to receive the content in the system. However lida teaches the using of a counting unit (column 47, lines 53-64) to count the number of times for which the musical composition is used (Column 52, lines 58-68) if the requester information is verified (Col 48, lines 2-13) and in accordance with the usage rights attached to the content (Col 48, lines 44-51). Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yoshiura with the teaching of lida to count the total number of units desiring to receive any specific content if the identification information is not stored or it's less than the maximum value. One would be motivated to do so in order to keep track of user access to

specific content for accounting purposes and additionally limiting access if the content is being used more than its allowed in the usage rights.

As per claim 3: Yoshiura discloses

An information processing apparatus according to Claim 1, further comprising:

- an information updating unit operable to delete the identification information stored in said storage unit and to reset the count of the total number of apparatuses to receive the encrypted content when said decryption key is changed. (items 11103 and 1801 of FIG. 19; Col 24 lines 41)

As per claim 6:

Information processing apparatus for carrying out secure receiving of content from first apparatus over a first network and for carrying out secure transmission of the content to a second apparatus over a second network, said information processing apparatus comprising:

- A first transmitting unit operable to transmit the first apparatus a request for permission receive content; (Col 23,lines 8-11)
- A first authentication unit operable perform first authentication procedure with the first apparatus; (items 114 and 122 of FIG. 2 and Col 12, lines 4-7)

- A receiver operable to receive a first decryption key from the first apparatus when the first authentication procedure is successful; (Col 13, lines 8-13) (Col 13, lines 22-26)
- A decryption unit operable to use the first decryption key to decrypt encrypted content received from the first apparatus; (Col 16, lines 56-61)
- An re-encryption unit operable to re-encrypt the decrypted content; (Col 16, line 62 through Col 17, line 11)
- A second authentication unit operable to receive authentication information from the second apparatus when a request for permission to receive the content is made from the second apparatus the second and to determine whether the authentication information is valid; (Col 24, lines 21-31) (Col 13, lines 8-13)
- a first obtaining unit operable to obtain identification information of the second apparatus from the authentication information when the authentication information is valid and to determine whether the identification information is valid and to determine whether the identification information of the second apparatus is already stored in the a storage unit; (Col 14, lines 26-34)
- A second transmitting unit operable to transmit a second information key to the second apparatus when the authentication information is valid, the second decryption key being needed to decrypt the re-encrypted content (Col 16, lines 22-29); and

- a first counting unit operable to increment a count a number of a number of apparatuses to receive the re-encrypted content by one when the identification information of the second apparatus is not already stored in said storage unit and the count of the total number of apparatuses is less than a maximum value; Yoshiura et al. do not explicitly explain a counting unit in the system. However lida teaches the using of a counting unit (column 47, lines 53-64) to count the number of times for which the musical composition is used (Column 52, lines 58-68). Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yoshiura with the teaching of lida to count the total number of units desiring to receive any specific content. One would be motivated to do so in order to keep track of user access to specific content for accounting purposes.
- Said storage unit being operable to store the identification information of said second apparatus when identification information of the second apparatus is not already stored in said storage unit. (Col 12, lines 9-10)
(Col 13, lines 8-26)

As per claim 7: cancelled.

As per claim 8: Yoshiura discloses information processing apparatus according to Claim 6, further comprising:

- A third transmitting unit operable to transmit, to said the first apparatus, the count of the number of apparatuses to receive the content; (Col 14, lines 26-34 and Col 15, lines 38-42; Yoshiura describes one embodiment of his invention containing a plurality of providers and right holders, the providers are the transmitters)
- Yoshiura et al. do not explicitly explain a counting unit in the system. However lida teaches the using of a counting unit (column 47, lines 53-64) to count the number of times for which the musical composition is used (Column 52, lines 58-68). Therefore, it would be obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Yoshiura with the teaching of lida to count the total number of units desiring to receive any specific content. One would be motivated to do so in order to keep track of user access to specific content for accounting purposes.

As per claim 12: An information processing apparatus according Claim 1 wherein the authentication information includes first authentication information and second authentication information (Col 17, lines 17-27), and said authentication unit includes:

- A first authentication subunit operable to receive the first authentication information from the another apparatus when the another apparatus requests permission receive the encrypted content, and determine

whether first authentication information valid (*items 114 and 122 of FIG. 2 and Col 12, lines 4-7*); and

- A second authentication subunit operable transmit request for the second authentication information the another apparatus when the first authentication information is valid, to receive second authentication information from the another apparatus, and determine whether the second authentication information is valid (Col 24, lines 21-31);
- said transmitting being operable transmit the decryption key the another apparatus when second authentication information valid (Col 13, lines 8-13).

As per claim 13: An information processing apparatus according Claim 6, wherein authentication information includes first authentication information and second authentication information (Col 17, lines 17-27), and said second authentication unit includes:

- A first authentication subunit operable to receive the first authentication information from the second apparatus when the second apparatus requests permission to receive the content, and to determine whether the first authentication information is valid (Col 24, lines 21-31); and
- A second authentication subunit operable to transmit a request for the second authentication information to the second apparatus when the first authentication information is valid, to receive the second authentication

information from the second apparatus, and to determine whether the second authentication information is valid (Col 24, lines 21-31);

- Said second transmitting unit being operable to transmit the second decryption key to the second apparatus when the second authentication information is valid (Col 16, lines 22-29).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US patent 6,427,140 Ginter et al. describes an integrated digital content distribution system where he describes different security features in his invention like content and user authentication, encryption, decryption, digital signatures and digital watermarking.
- US patent 5,499,298 Narasimhalu et al. describe method for controlling the distribution and usage of digital content where he teaches the using of counters to control how many times a specific content was used and how many more times it can be used.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firas Alomari whose telephone number is (571) 272-7963. The examiner can normally be reached on M-F from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AYAZ SHEIKH can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Firas Alomari
Examiner
Art Unit 2136

FA



AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100